

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the)	NOTICE OF PUBLIC HEARING
proposed adoption of new rule)	ON THE PROPOSED ADOPTION,
I criminal history background)	AMENDMENT, TRANSFER AND
check, new rule II substitute)	REPEAL OF RULES
teachers, new rules III)	
through XXVIII relating)	
to teacher license)	
classification, new rule)	
XXIX definition of "immoral)	
conduct," new rule XXX)	
investigation, new rule)	
XXXI reporting of the)	
surrender, denial, revocation)	
or suspension of a license,)	
the amendment of ARM)	
10.55.602, 10.55.604,)	
10.55.702 through 10.55.705,)	
10.55.707 and 10.55.710)	
relating to accreditation,)	
ARM 10.57.101, 10.57.102,)	
10.57.104, 10.57.107,)	
10.57.110, 10.57.112,)	
10.57.201, 10.57.204,)	
10.57.209, 10.57.215 through)	
10.57.218, 10.57.220,)	
10.57.301, 10.57.501,)	
10.57.601 through 10.57.605)	
relating to teacher)	
certification and the)	
amendment and transfer of)	
ARM 10.57.701 through)	
10.57.703 relating to hearing)	
procedures, the transfer)	
of ARM 10.57.407 and)	
10.57.801 and the repeal of)	
ARM 10.57.103, 10.57.106,)	
10.57.108, 10.57.202,)	
10.57.203, 10.57.211A,)	
10.57.213, 10.57.219,)	
10.57.302 and 10.57.401)	
through 10.57.406 relating)	
to teacher certification)	

TO: All Concerned Persons

1. On October 22, 2002 at 9:00 a.m. a public hearing will be held in the conference room at the Office of Higher Education, 2500 Broadway, Helena, Montana, to consider the adoption, amendment, transfer and repeal of rules relating to teacher certification.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on October 8, 2002 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. Statement of Reasonable Necessity: The Board of Public Education has determined that it is reasonable and necessary to adopt, amend, transfer and repeal the following rules. These proposals are the final product of a two year review by a Board appointed task force. The task force was comprised of persons representing all of the major partners in education in Montana.

The task force substantially reviewed the rules governing educator certification including items not considered since the Constitutional Convention in 1972. Additionally, the certification rules have not been specifically modified since 1972. The proposals contained in this notice affect changes in education since 1972 as well as aligning certification rules and the accreditation rules found in Chapter 55.

A central purpose in adoption and amendment of these rules is to ensure that educators are highly qualified and quality teaching is not compromised to the detriment of Montana's school children. The proposed changes also provide specific direction to the Board of Public Education and the Office of Public Instruction as they handle all issues involving educator licensure that were previously handled on a case by case basis.

The following is a summary of the major changes proposed to the accreditation and certification rules:

a. The references to "teacher certification" are being changed to "educator licensure".

b. The term "accredited college or university" is being changed to specify those institutions accredited by the National Council for Accreditation of Teacher Education or institutions approved by a state board of education.

c. The rule concerning substitute teachers is being repealed and a new rule adopted that provides standards for substitute teachers.

d. The Board is proposing to adopt a new rule requiring a criminal background check for all applicants for initial licensure in Montana and those seeking to reinstate a lapsed license.

e. The rule ARM 10.57.211A adopted by the Board in May concerning individuals applying for licensure with out-of-

state teaching licenses is being made permanent and is incorporated in ARM 10.57.201.

f. The requirement that an educator submit verification of one year's teaching experience in order to renew their license has been eliminated.

g. Recency requirements for those individuals applying for initial licensure whose degrees are more than five years old have been standardized to eight semester credits for all classes of licensure.

h. Sub-chapter 4 concerning classifications of educator licenses has been repealed and new rules proposed to be adopted that separate and clarify the requirements for the different classifications, levels of licensure and endorsements.

i. Minor changes for consistency and changes in format and style have been made to sub-chapters 6, 7 and 8 and the sub-chapters have been combined into sub-chapter 6.

j. The accreditation rules are being amended to include a provision for a licensed Montana teacher to teach a course for which they are not endorsed, if they are enrolled in an internship program at a Montana college to receive a minor in that field. The rules also provide for internship programs for superintendents and principals.

4. The proposed new rules provide as follows:

NEW RULE I CRIMINAL HISTORY BACKGROUND CHECK (1) The National Child Protection Act of 1993, as amended, (codified at 42 United States Code sections 5119a and 5119c) (the "Act") authorizes a state and national criminal history background check to determine the fitness of an employee, volunteer, or other person with unsupervised access to children, the elderly, or individuals with disabilities. The background check contemplated herein shall be made pursuant to and with the support of the Act. The purpose of this rule is to support the superintendent of public instruction's duty to evaluate a provider's moral and professional character and to determine whether a provider, as defined herein and in the Act, has been convicted of a crime that bears upon the provider's fitness to have responsibility for the safety and well being of children.

(2) As applied to the Act and used in this rule, the following definitions shall apply:

(a) "authorized agency" means the Montana department of justice;

(b) "identification document" means a document made or issued by or under the authority of the United States government, a state, political subdivision of a state, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with

information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals;

(c) "national criminal history background check" means a report generated from the criminal history record system maintained by the United States federal bureau of investigation based on fingerprint identification or any other method of positive identification;

(d) "provider" means those persons seeking educator licensure in Montana and listed in (3);

(e) "qualified entity" means the superintendent of public instruction.

(3) Except as otherwise provided for herein, each of the following persons (the "applicant") shall provide to the superintendent of public instruction information and material sufficient to obtain a fingerprint-based national criminal history background check (a "background check"):

(a) any applicant for initial Montana educator licensure;

(b) any person seeking emergency authorization of employment pursuant to 20-4-110, MCA and ARM 10.57.107; and

(c) any applicant seeking to reinstate a lapsed, revoked, or suspended educator license.

(4) The applicant shall bear the costs of the background check.

(5) The superintendent of public instruction shall not issue to an applicant a Montana educator license pursuant to 20-4-101, et seq., MCA, until the background check has been completed and the results of the background check have been delivered to and reviewed by the superintendent of public instruction.

(6) The superintendent of public instruction may accept the results of a background check conducted for the Montana university system or a private college or university in Montana of a student, provided the background check was completed no more than two years before the applicant submits a license application to the superintendent of public instruction.

(7) The superintendent of public instruction shall not request a background check of a provider hereunder unless the provider first provides a set of fingerprints and completes and signs a statement that:

(a) contains the name, address, and date of birth appearing on a valid identification document of the provider;

(b) the provider has not been convicted of a crime and, if the provider has been convicted of a crime, contains a description of the crime and the particulars of the conviction;

(c) notifies the provider that the entity may request a background check hereunder;

(d) notifies the provider of the provider's rights under (8); and

(e) notifies the provider that prior to the completion of the background check the qualified entity may choose to

deny the provider unsupervised access to a person to whom the qualified entity provides care.

(8) Each provider who is the subject of a background check is entitled to:

(a) obtain a copy of any background check report; and

(b) challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the authorized agency.

(9) The authorized agency shall:

(a) upon receipt of a background check report lacking disposition data, conduct research in whatever state and local record keeping systems are available in order to obtain complete data; and

(b) make a determination whether the provider has been convicted of, or is under pending indictment for, a crime that bears upon the provider's fitness to have responsibility for the safety and well being of children, the elderly, or individuals with disabilities and shall convey that determination to the qualified entity.

(10) Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the superintendent of public instruction in the certification process if the conviction was for a sexual offense, a crime involving violence, the sale of drugs, or theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, 20-4-104, MCA

NEW RULE II SUBSTITUTE TEACHERS (1) Substitute teachers may be used for extended teacher absences under the following conditions:

(a) In cases where a regular, licensed teacher under contract is temporarily unable, by reason of illness or for other reasons approved by the school district board of trustees, to fulfill the teacher's duties, substitute teachers may be employed to carry on the duties of that teacher's position for a period not to exceed 35 consecutive teaching days. Such substitutes need not hold a current license, but preference shall be given to those substitutes who are properly licensed.

(b) If the absence of the regular, licensed or authorized teacher continues for more than 35 teaching days, the substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of trustees makes a written declaration to the superintendent of public instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM 10.57.707.

(2) Any non-licensed substitute teacher shall complete a minimum of three hours of training, as approved by the school district board of trustees.

(3) Any non-licensed substitute teacher must have received a high school diploma or have attained a passing score on the general education development assessment.

(4) A district that employs a non-licensed substitute teacher must conduct a fingerprint-based background check of that individual according to the following procedures:

(a) The non-licensed substitute teacher must present a complete set of fingerprints to a qualified law enforcement agency to be submitted to the school district.

(b) The district shall not employ the non-licensed substitute teacher until state and federal authorities have reported the results of the background check or until the district has conducted a reference check of the individual.

(c) The district shall accept the report of a previous fingerprint-based background check if it is submitted by a Montana university or college for a student currently or formerly enrolled in an accredited Montana professional educator program. The report shall not be accepted if it was completed more than two years prior to the date of submission.

(d) The district shall consider the information obtained from the results of the fingerprint-based background check under the provisions of Title 37, chapter 1, part 2, MCA, governing the licensure of criminal offenders and under 20-4-110, MCA. Conviction, including conviction following a plea of nolo contendere, a conviction in which the sentence is suspended or deferred, or any other adjudication treated by the court as a conviction, may be considered by the district as grounds for removal from the classroom if the conviction was for a sexual offense, theft, or any other crime meeting the criteria of Title 37, chapter 1, part 2, MCA.

(5) The requirements of this rule may be waived by the trustees in whole or in part, if the non-licensed substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to [the effective date of this rule].

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

NEW RULE III CLASS 2 STANDARD TEACHER'S LICENSE

(1) A class 2 standard teacher's license shall be valid for a term of five years.

(2) To obtain a class 2 standard teacher's license an applicant must have a bachelor's degree and have completed an accredited professional educator preparation program.

(3) A class 2 standard teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed class 2 standard teacher's license may be reinstated by showing verification of:

(a) 60 renewal units, 40 of which must be earned by college credit, earned during the five-year period preceding

the validation date of the new license; or

(b) 120 renewal units, 80 of which must be earned by college credit, earned during the nine-year period preceding the validation date of the new license.

(5) An educator who has not earned renewal units as provided in (4)(a) and (b) and who wishes to reinstate his/her lapsed license must comply with the requirements of ARM 10.57.201 and 10.57.220.

AUTH: Sec. 20-2-121, 20-4-102, MCA

IMP: Sec. 20-4-102, 20-4-103, 20-4-106, 20-4-108, MCA

NEW RULE IV CLASS 1 PROFESSIONAL TEACHER'S LICENSE

(1) A class 1 professional teacher's license shall be valid for a period of five years.

(2) To obtain a class 1 professional teacher's license an applicant must have:

(a) a master's degree or one year of study consisting of at least 30 graduate semester credits beyond the bachelor's degree in professional education or an endorsable teaching area(s); and

(b) verification of three years of successful teaching experience or the equivalent.

(3) A class 1 professional teacher's license shall be renewable pursuant to the requirements of ARM 10.57.215.

(4) A lapsed class 1 professional teacher's license may be reinstated by showing verification of:

(a) 60 renewal units earned during the five-year period preceding the validation date of the new license; or

(b) 120 renewal units earned during the nine-year period preceding the validation date of the new license.

(5) An educator who has not earned renewal units as provided in (4)(a) and (b) and who wishes to reinstate his/her lapsed license must comply with the requirements of ARM 10.57.201 and 10.57.220.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE V CLASS 1 AND 2 ENDORSEMENTS

(1) To obtain an elementary endorsement, an applicant must provide verification of completion of an accredited elementary teacher education program to include student teaching or university supervised teaching experience.

(2) To obtain a secondary endorsement the applicant must provide verification of at least:

(a) 16 semester credits in a professional educator preparation program, including student teaching or an appropriate college waiver; and

(b) 30 semester credits in an approved major and 20 semester credits in an approved minor; or

(c) 40 semester credits in an extended major.

(3) To obtain a K-12 endorsement, the applicant must provide verification of training in both elementary and

secondary curriculum.

(4) Subject field endorsements must be in areas approved for endorsement by the board of public education.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE VI CLASS 3 ADMINISTRATIVE LICENSE (1) A class 3 administrative license shall be valid for a period of five years.

(2) To obtain a class 3 administrative license an applicant must provide verification of a master's degree in an accredited school administration program or the equivalent and must qualify for one of the endorsements set forth in [NEW RULE VII through NEW RULE XII].

(3) A class 3 administrative license shall be renewed upon verification of 60 renewal units earned during the valid term of the license.

(4) A lapsed class 3 administrative license may be reinstated by showing verification of:

(a) 60 renewal units earned during the five-year period preceding the validation date of the new license; or

(b) 120 renewal units earned during the nine-year period preceding the validation date of the new license.

(5) An administrator who has not earned renewal units as provided in (4)(a) and (b) and who wishes to reinstate his/her lapsed license must comply with the requirements of ARM 10.57.201 and 10.57.220.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE VII CLASS 3 ADMINISTRATIVE LICENSE - SUPERINTENDENT ENDORSEMENT (1) To obtain a superintendent endorsement an applicant must provide verification of:

(a) an education specialist degree or doctoral degree in education leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3) and one year of administrative experience as an appropriately licensed principal or one year of a supervised board of public education approved administrative internship as a superintendent; or

(b) a master's degree in education leadership from an accredited professional educator preparation program or equivalent as determined by the university system to include:

(i) licensure/endorsement as a principal;

(ii) one year of administrative experience as an appropriately licensed principal or one year of a supervised board of public education approved administrative internship as superintendent; and

(iii) a minimum of 18 semester graduate credits, of which 12 must be beyond the master's degree, in the following content areas:

(A) organizational leadership;

- (B) instructional leadership;
- (C) management to include finance, facilities, law and policy;
- (D) personnel and labor relations; and
- (E) community and board relations.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE VIII CLASS 3 ADMINISTRATIVE LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain an elementary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at the elementary level; and

(b) a master's degree in education leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or

(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 semester credits in the following content areas:

- (i) school leadership;
- (ii) instructional leadership to include supervision and elementary curriculum;
- (iii) management to include finance and law; and
- (iv) school and community relations.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE IX CLASS 3 ADMINISTRATIVE LICENSE - SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a secondary principal endorsement an applicant must provide verification of:

(a) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at the secondary level; and

(b) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3); or

(c) a master's degree from any accredited professional educator preparation program and a minimum of 24 graduate semester credits in the following content areas:

- (i) school leadership;
- (ii) instructional leadership to include supervision and secondary curriculum;
- (iii) management to include finance and law; and
- (iv) school and community relations.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE X CLASS 3 ADMINISTRATIVE LICENSE - K-12 PRINCIPAL ENDORSEMENT (1) To obtain a K-12 principal

endorsement an applicant must provide verification of:

(a) a master's degree in educational leadership from an accredited professional educator preparation program as defined in ARM 10.57.102(3);

(b) full eligibility for an elementary or a secondary principal endorsement or current endorsement as a Montana elementary or secondary principal;

(c) a minimum of three years of successful experience as an appropriately licensed and assigned teacher at any level within K-12; and

(d) at least six graduate semester credits in educational leadership and curriculum at the elementary level, if eligible at the secondary level, or at least six graduate credits in educational leadership and curriculum at the secondary level, if eligible at the elementary level.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XI CLASS 3 ADMINISTRATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in specific fields such as math, music, and school counseling, or in general areas such as elementary education, secondary education and curriculum development. This endorsement may be issued to applicants who submit verification:

(a) of successful completion, at an accredited institution of higher learning, of a master's degree in the area requested for endorsement;

(b) that the applicant meets eligibility requirements for a class 1 or class 2 teaching license endorsed in the field of specialization;

(c) of three years of successful experience as an appropriately licensed and assigned teacher;

(d) of at least 14 graduate semester credits in education or the equivalent to include:

(i) general school administration;

(ii) administration in the specific area to be endorsed;

(iii) supervision of instruction;

(iv) basic school finance; and

(v) school law; and

(e) of a supervised practicum/internship (minimum of four semester credits or appropriate waiver). The recommendation of the appropriate official(s) is required.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XII CLASS 3 ADMINISTRATIVE LICENSE - SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1) This administrative endorsement is issued in the specific field of special education. This endorsement may be issued to applicants who submit verification of:

(a) successful completion, at an accredited institution

of higher learning, of a master's degree in special education or a master's degree in special education related services, field of school psychologist, speech language pathologist, audiologist, physical therapist, occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;

(b) full licensure in the field of specialization;

(c) three years of successful experience in an accredited school setting as an appropriately licensed and assigned teacher, or five years of successful experience in an accredited school setting as a fully licensed and assigned related services provider;

(d) at least 14 graduate semester credits in education or the equivalent to include:

(i) general school administration;

(ii) administration in the specific area to be endorsed;

(iii) supervision of instruction;

(iv) basic school finance; and

(v) school law; and

(e) a supervised practicum/internship (minimum of four semester credits or appropriate waiver). The recommendation of the appropriate official(s) is required.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XIII CLASS 4 CAREER AND VOCATIONAL/TECHNICAL LICENSE (1) A class 4 license is specific to career and vocational/technical education. There are three types of class 4 licenses - class 4A, 4B and 4C.

(2) A class 4 license shall be valid for a period of five years.

(3) A class 4 license shall be renewable pursuant to the requirements of ARM 10.57.215 and the requirements specific to each type of class 4 license.

(4) Recognized occupations eligible for a class 4 license shall be evaluated on an annual basis by the superintendent of public instruction. Current appropriate class 4 career and vocational/technical occupational areas are set forth in ARM 10.57.301(4). Endorsements not on the list of recognized occupations may be retained as long as the holder continues to renew the license.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XIV CLASS 4A CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4A license shall be issued to individuals holding a valid Montana secondary level teaching license, but without an appropriate career and vocational/technical education endorsement, and who meet the following minimum requirements:

(a) 10,000 hours of documented work experience or

apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach;

(b) for computer information systems or health occupations, an alternative to the above requirement of 10,000 hours work experience may be substituted, as approved by the superintendent of public instruction as follows:

(i) for health occupations an individual may hold a related health or science education endorsement; and

(A) have completed an approved internship program in a recognized medical setting of a minimum of 200 hours (five weeks); or

(B) hold a current professional license.

(ii) for computer information systems an individual may provide verification of completion of an approved technical program in a recognized training institution and hold a professional license or recognized industry standard certificate.

(2) Class 4A licenses (with a master's degree) shall be renewable by earning 60 renewal units that include the following:

(a) principles and/or philosophy of career and vocational/technical education; and

(b) safety and teacher liability.

(3) Class 4A licenses (with a bachelor's degree) shall be renewable by earning 60 renewal units, 40 of which must be earned through college credit and/or technical studies and include the following:

(a) principles and/or philosophy of career and vocational/technical education; and

(b) safety and teacher liability.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XV CLASS 4B CAREER AND VOCATIONAL/TECHNICAL EDUCATION LICENSE (1) A class 4B license shall be issued to individuals with a bachelor's degree, but who do not hold a valid Montana secondary level teaching license with the appropriate career and vocational/technical education endorsement.

(2) To obtain a class 4B license an individual must meet the following minimum requirements:

(a) 10,000 hours of documented work experience or apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach; or

(b) for emerging occupations such as computer information systems (e.g., CISCO) or health occupations, an alternative to the above requirement of 10,000 hours work experience may be substituted as approved by the superintendent of public instruction as follows:

(i) verification of recognized industry standard certification or a professional license; and

(ii) 4,000 hours of documented work experience or apprenticeship training equal to 4,000 hours.

(3) Class 4B licenses shall be renewable by earning 60 renewal units, 40 of which must be earned through college credit and/or technical studies and include the following:

- (a) principles and/or philosophy of career and vocational/ technical education;
- (b) curriculum and instruction in career and vocational/ technical education;
- (c) learning styles/teaching styles, including students with special needs; and
- (d) safety and teacher liability.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XVI CLASS 4C CAREER AND VOCATIONAL/TECHNICAL LICENSE (1) A class 4C license shall be issued to individuals who hold at least a high school diploma or GED and meet the following minimum requirements:

(a) 10,000 hours of documented work experience or apprenticeship training equal to 10,000 hours in the specific trade in which they are to teach.

(2) The class 4C license shall be renewable by completing 60 renewal units that include the following:

- (a) principles and/or philosophy of career and vocational/technical education;
- (b) curriculum and instruction in career and vocational/ technical education;
- (c) learning styles/teaching styles, including serving students with special needs;
- (d) safety and teacher liability;
- (e) classroom management;
- (f) teaching methods; or
- (g) career guidance in career and vocational/technical education.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XVII CLASS 5 PROVISIONAL LICENSE (1) A class 5 provisional license is valid for a term of three years, is not renewable and may not be reinstated.

(2) An applicant for a class 5 provisional license must sign and file with the superintendent of public instruction a plan of professional intent leading to the class 1, 2, 3 or 6 license within three years of the date of the provisional license.

(3) A class 5 provisional license is available with any endorsement normally allowed for class 1, 2, 3 or 6 licenses.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XVIII CLASS 5 PROVISIONAL LICENSE - ELEMENTARY LEVEL (1) To obtain a class 5 provisional license with an

elementary level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from an accredited college or university;

(b) a minimum of 60 semester credits of academic preparation in language arts and literature, history, government and related social science, mathematics, and any two of the following: art, music, foreign languages, speech, drama, library science or health; and

(c) professional preparation of at least six semester credits to include human growth and development, reading and/or language arts, social studies, and arithmetic.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XIX CLASS 5 PROVISIONAL LICENSE - SECONDARY LEVEL (1) To obtain a class 5 provisional license with a secondary level endorsement, an applicant must provide verification of:

(a) a bachelor's degree from an accredited college or university;

(b) a minimum of 30 semester credits in an area approved by the board of public education for endorsement; and

(c) professional educator preparation of at least six semester credits.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XX CLASS 5 PROVISIONAL LICENSE - SUPERINTENDENT ENDORSEMENT (1) To obtain a class 5 provisional license with a superintendent endorsement, an applicant must provide verification of:

(a) a master's degree in education leadership from an accredited professional educator preparation program or equivalent;

(b) eligibility for a class 1, 2, or 5 teaching license at the appropriate level;

(c) verification of three years of appropriately licensed and assigned teaching experience; and

(d) verification of one year of appropriately licensed experience as a principal or one year of a supervised board of public education approved administrative internship as superintendent.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXI CLASS 5 PROVISIONAL LICENSE - ELEMENTARY PRINCIPAL ENDORSEMENT (1) To obtain a class 5 provisional license with an elementary principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional

educator preparation program;

(b) eligibility for a class 1, 2, or 5 teaching license at the elementary level; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at the elementary level.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXII CLASS 5 PROVISIONAL LICENSE - SECONDARY PRINCIPAL ENDORSEMENT (1) To obtain a class 5 provisional license with a secondary principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program;

(b) eligibility for a class 1, 2, or 5 teaching license at the secondary level; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at the secondary level.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXIII CLASS 5 PROVISIONAL LICENSE - K-12 PRINCIPAL ENDORSEMENT (1) To obtain a class 5 provisional license with a secondary principal endorsement, an applicant must provide verification of:

(a) a master's degree from any accredited professional educator preparation program;

(b) eligibility for a class 1, 2, or 5 teaching license at any level within K-12; and

(c) verification of three years of successful teaching experience as an appropriately licensed and assigned teacher at any level within K-12.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXIV CLASS 5 PROVISIONAL LICENSE - SUPERVISOR ENDORSEMENT (1) To obtain a class 5 provisional license with a supervisor endorsement an applicant must provide verification of:

(a) a master's degree from an accredited university in the area requested for supervisory endorsement; and

(b) verification of three years of appropriately licensed experience as a teacher in the area requested for supervisory endorsement.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXV CLASS 5 PROVISIONAL LICENSE - SPECIALIST

ENDORSEMENT (1) To obtain a class 5 provisional license with a specialist endorsement in school psychology an applicant must provide verification of:

(a) a master's degree;
(b) completion of at least 12 of the following 16 requirements:

(i) undergraduate or graduate general education/psychology course work/content to include:

- (A) careers;
- (B) human growth and development;
- (C) general psychology;
- (D) abnormal psychology; and
- (E) learning theory;

(ii) undergraduate or graduate general education course work/content to include:

(A) exceptional children (must include special education);

- (B) curriculum development;
- (C) diagnosis and remediation of reading; and
- (D) educational evaluation; and

(iii) graduate psychological methods and techniques course work/content to include:

- (A) individual intelligence testing;
- (B) child psychopathology and achievement testing;
- (C) personality assessment;
- (D) interviewing and counseling;
- (E) behavior interventions;
- (F) school psychology practicum/internship; and
- (G) administration, role and function of school psychology; and

(c) specific completion of the individual intelligence testing requirement.

(2) To obtain a class 5 provisional license with a specialist endorsement in school counseling an applicant must provide verification of:

- (a) a master's degree; and
- (b) institutional verification of being within four course deficiencies of completing full requirements as outlined in [NEW RULE XXVIII].

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXVI CLASS 6 SPECIALIST LICENSE (1) A class 6 specialist license is valid for a period of five years.

(2) Class 6 specialist licenses may be issued with the following endorsements:

- (a) school psychologist; or
- (b) school counselor.

(3) Class 6 specialist licenses may be renewed pursuant to the requirements of ARM 10.57.215.

(4) A lapsed class 6 specialist license may be reinstated by showing verification of:

- (a) four graduate semester credits or equivalent renewal

units earned during the five-year period preceding the validation date of the new license; or

(b) eight graduate semester credits or equivalent renewal units earned during the nine-year period preceding the validation date of the new license.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXVII CLASS 6 SPECIALIST LICENSE - SCHOOL PSYCHOLOGIST (1) To obtain a class 6 specialist license with a school psychologist endorsement an applicant must provide verification of:

(a) current credentials as a nationally certified school psychologist (NCSP) from the national association of school psychologists (NASP); or

(b) a master's degree in school psychology or a master's degree which includes the following minimums:

(i) 10 semester credits in general education/psychology (graduate or undergraduate) training to include:

- (A) new careers or transitions;
- (B) human growth and development;
- (C) general psychology;
- (D) educational psychology; and
- (E) abnormal psychology;

(ii) completion of the following course work is required at either the undergraduate or graduate level, provided the applicant has a master's degree from an accredited program:

(A) exceptional children (must include special education);

- (B) curriculum development;
- (C) diagnosis and remediation of reading; and
- (D) educational evaluation; and

(iii) completion of the following specific course work in psychological methods and techniques is required at the graduate level:

- (A) individual intelligence testing;
- (B) child psychopathology;
- (C) personality assessment;
- (D) interviewing and counseling;
- (E) behavioral interventions;
- (F) school psychology practicum/internship (a minimum of four semester hours of graduate credit or appropriate waiver); and

(G) administration, role and function of school psychology.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXVIII CLASS 6 SPECIALIST LICENSE - SCHOOL COUNSELOR (1) To obtain a class 6 specialist license with a school counselor endorsement an applicant must provide

verification of:

- (a) a master's degree in school counseling (K-12); or
- (b) a master's degree with equivalent graduate level school counseling content; and
- (c) a supervised internship of at least 600 hours in a school or school related setting.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

NEW RULE XXIX DEFINITION OF "IMMORAL CONDUCT"

(1) "Immoral conduct" related to the teaching profession, under 20-4-110(1)(f), MCA, includes, but is not limited to:

(a) sexual contact, as defined in 45-2-101(66), MCA, or sexual intercourse as defined in 45-2-101(67), MCA, between a teacher, specialist or administrator and a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;

(b) conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state;

(i) 45-5-502, MCA, (sexual assault);

(ii) 45-5-503, MCA, (sexual intercourse without consent);

(iii) 45-5-504, MCA, (indecent exposure);

(iv) 45-5-505, MCA, (deviate sexual conduct), if the conduct either was non-consensual or involved a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;

(v) 45-5-507, MCA, (incest);

(vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);

(vii) 45-5-622(2), MCA, (endangering the welfare of children);

(viii) 45-5-623, MCA, (unlawful transactions with children);

(ix) 45-5-625, MCA, (sexual abuse of children);

(x) 45-8-201, MCA, (obscenity);

(xi) 45-5-627, MCA, (ritual abuse of minor);

(xii) any statute in Title 45, chapter 9, part 1, MCA, (dangerous drugs), provided that a first offense under 45-9-102(2), MCA, shall not fall within this definition;

(xiii) 45-5-220, MCA, (stalking);

(xiv) 45-5-223, MCA, (surreptitious visual observation or recordation);

(xv) 45-10-103, MCA, (criminal possession of drug paraphernalia);

(xvi) 45-10-105, MCA, (delivery of drug paraphernalia to a minor);

(xvii) 45-8-334, MCA, (possession of a destructive device);

(xviii) 45-8-361, MCA, (possession or allowing possession of weapon in school building);

(xix) 45-8-403, MCA, (use of threat to coerce gang membership);

(xx) 45-8-406, MCA, (supplying of firearms to criminal street gang);

(c) repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform their conduct to the requirements of law;

(d) occurrences related to ARM 24.9.1003(3), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:

(i) submission to the conduct is explicitly or implicitly made a term or condition of education;

(ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual; and/or

(iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

NEW RULE XXX INVESTIGATION (1) Upon receipt of a request made pursuant to 20-4-110(2), MCA and ARM 10.57.601, the board of public education shall implement an investigation to determine whether or not a substantial reason exists to hold a hearing for the issuance of a letter of reprimand or the suspension or revocation of the teacher, specialist or administrator license. This investigation shall include notifying the affected teacher, specialist or administrator of the charges against him/her by certified mail and allowing him/her 10 days to respond to those charges. After receiving a response, the board may request further information to ensure the preliminary investigation properly reflects the facts and position of each party.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

NEW RULE XXXI REPORTING OF THE SURRENDER, DENIAL, REVOCATION OR SUSPENSION OF A LICENSE (1) The superintendent of public instruction shall maintain membership in the national association of state directors of teacher education and certification (NASDTEC) and shall report information to the NASDTEC clearinghouse concerning licensure as provided herein and as required by NASDTEC membership.

(2) Upon receipt of a license surrendered pursuant to ARM 10.65.605, the superintendent of public instruction shall

report to the NASDTEC clearinghouse that the superintendent accepted the surrender of a license held by the teacher, specialist or administrator.

(3) As provided herein, the superintendent of public instruction shall report to the NASDTEC clearinghouse the denial of licensure for cause. A denial "for cause" is defined as circumstances which:

(a) resulted in a determination by the superintendent that the applicant lacked the requisite moral and professional character; or

(b) would, in the case of a licensed Montana educator, be grounds for suspension or revocation.

(4) The superintendent shall not report to NASDTEC under (3) until either:

(a) the period for appeal of denial as provided in ARM 10.57.701 has expired; or

(b) the board of public education affirms the denial.

(5) The superintendent of public instruction shall report to the NASDTEC clearinghouse the suspension or revocation of a license held by a teacher, specialist or administrator.

(6) The superintendent of public instruction shall maintain, pursuant to the superintendent's record retention policies, a record of the circumstances surrounding the surrender, denial, revocation, suspension, or reprimand involving a teacher, specialist or administrator's license. The contents of that record shall be available for review by the certifying authority from any other jurisdiction in which the teacher, specialist or administrator seeks licensure.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

5. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.55.602 DEFINITIONS For the purpose of this chapter, the following terms apply:

(1) and (2) remain the same.

(3) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of an approved teacher, administrator or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s) and classification.

~~(3)~~ (13) "School administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a class 3 certificate license and is appropriately endorsed, or who is enrolled in a board of public education approved administrator internship program under ARM 10.55.702 through 10.55.705.

(4) through (6) remain the same.

(7) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program

area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(7) remains the same but is renumbered (8).

(9) "Part-time" means not less than six hours in a school week.

(8) through (10) remain the same but are renumbered (10) through (12).

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, 20-3-106, 20-7-101, MCA

10.55.604 VARIANCES TO STANDARDS (1) A school district may apply to the board of public education through the ~~office~~ superintendent of public instruction to implement an alternative to a standard or a section of standards, excluding standards stating a statutory criteria, standards pertaining to teacher ~~certification~~ licensure or endorsement, and content and performance standards as defined by the board of public education and provided in guidance from the ~~office~~ superintendent of public instruction.

(a) through (i) remain the same.

(2) A school district may apply to the board of public education through the ~~office~~ superintendent of public instruction to create a charter school.

(a) through (d)(iii) remain the same.

(iv) teacher ~~certification~~ licensure and endorsement to the same extent as required or provided by state law or accreditation standards;

(v) through (e) remain the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, 20-3-106, 20-7-101, MCA

10.55.702 ~~CERTIFICATION~~ LICENSURE AND DUTIES OF DISTRICT ADMINISTRATOR - DISTRICT SUPERINTENDENT District superintendent shall be:

(a) ~~be certified~~ licensed in accordance with state statutes and board of public education rules;

(b) considered appropriately assigned if the superintendent is enrolled in a board of public education approved administrator/district superintendent internship program as defined below:

(i) the intern must be enrolled in an approved administrator/district superintendent training program with the state of Montana;

(ii) the intern must have completed the principal endorsement requirements or be simultaneously enrolled in an administrator/principal internship program;

(iii) the intern must file an application with the board of public education prior to placement within the local school districts in the state of Montana; and

(iv) at each assigned school district, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program.

(2) In cases where the intern is the only administrator

hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.

(3) The district superintendent shall perform administrative duties in accordance with 20-4-402, MCA.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.55.703 CERTIFICATION LICENSURE AND DUTIES OF SCHOOL ADMINISTRATOR: PRINCIPAL (1) The school administrator principal shall:

(a) be certified licensed in accordance with state statutes and board of public education rules;

(b) be considered appropriately assigned if he/she the principal is enrolled in a board of public education approved administrator/principal internship program as defined below;

(i) the intern must be enrolled in an approved administrator/principal training program within the state of Montana;

(ii) the intern must file an application with the board of public education prior to placement within a school district in the state of Montana;

(iii) at each assigned school, the intern must annually receive an on-site visit by an appointed faculty member of the approved internship program;

(iv) at each assigned school, the intern shall receive an appropriate level of supervision by a properly licensed and endorsed administrator hired by the district. Such supervision shall include participation in, review of, and written concurrence in all performance evaluations of licensed staff completed by the intern. In cases where the intern is the only administrator hired by the district, the district shall contract with a properly licensed and endorsed administrator for annual and periodic supervision of the practice of the intern throughout the school year.

(c) have a certificate license endorsed at the level assigned as an administrator a principal, except where one individual serves as the single administrator for the entire district under ARM 10.55.705(1)(a) or (b), where the superintendent may hold either a high school or elementary administrative principal endorsement. No individual may be assigned a total of more than 100 percent full-time equivalent (FTE);

(d) through (g) remain the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.55.704 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF DISTRICT SUPERINTENDENTS (1) remains the same.

(a) A full or part-time district superintendent and a ~~full or at least a~~ half-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b) shall be employed for an independent elementary district with fewer than 18 full-time equivalent (FTE) ~~certified~~ licensed staff, or the district shall utilize the services of the county superintendent to fulfill the duties of the district superintendent. One ~~administrator~~ individual may serve as both district superintendent and part-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100 percent FTE~~+~~.

(b) A full or part-time district superintendent and a ~~full or at least a~~ half-time school administrator/principal shall be employed for a combined elementary-high school district or a county high school district with fewer than 30 FTE ~~certified~~ licensed staff. A full or part-time district superintendent and a ~~full or at least a~~ half-time school administrator/principal shall be employed for an independent elementary district with more than 18 but fewer than 30 FTE ~~certified~~ licensed staff. One administrator may serve as both superintendent and part-time school administrator/principal as defined in ARM 10.55.705(1)(a) or (b). A superintendent serving under this subsection shall devote full time to administration and supervision not to exceed a total assignment of 100 percent FTE~~+~~.

(c) A full-time (one FTE) district superintendent shall be employed for any district with 30 or more FTE ~~certified~~ licensed staff or 551 or more students.

(2) A combined elementary-high school district, or a county high school district, or an independent elementary school district with 100 or more FTE ~~certified~~ licensed staff shall employ a full-time curriculum coordinator to supervise the educational program and alignment of standards, assessment, curriculum, instruction, and instructional materials. The curriculum coordinator shall hold a class 3 administrative ~~certificate~~ license. Those districts with less than 100 FTE ~~certified~~ licensed staff and no full-time curriculum coordinator shall employ the services of a regional curriculum consortium or a part-time, designated curriculum coordinator.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF SCHOOL ADMINISTRATORS/PRINCIPALS (1) School districts shall employ appropriately endorsed school administrators/principals as follows:

(a) ~~Aa~~ a part-time district superintendent or supervising teacher and county superintendent for schools with fewer than ~~9~~ nine full-time equivalent (FTE) ~~certified~~ licensed staff;

(b) .5 FTE principal for schools with 9-17 FTE ~~certified~~ licensed

licensed staff;

(c) 1 one FTE principal for schools with 18-29 FTE
~~certified licensed~~ staff or 250-550 students;

(d) 2 two FTE administrators/principals for schools with
551-1050 students;

(e) 3 three FTE administrators/principals for schools
with 1051-1550 students;

(f) 4 four FTE administrators/principals for schools
with 1551-2050 students; and

(g) 5 five FTE administrators/principals for schools
with 2051 or more students.

(2) In schools that require two or more FTE
administrators/principals, at least one individual with more
~~than one school administrator, the first administrator~~ shall
be appropriately endorsed as principal. ~~The additional~~
~~administrators~~ At least a second administrator shall have
administrative endorsement(s) at the appropriate level(s) and
in the area(s) that accurately reflects ~~their the~~
administrator's supervisory responsibilities. For example, a
school may assign properly ~~certified licensed~~ and endorsed
curriculum coordinators to supervise the appropriate
instructional programs.

(3) remains the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.55.707 TEACHER AND SPECIALIST CERTIFICATION LICENSURE

(1) Teachers shall hold Montana teaching ~~certificates~~
licenses.

(2) An emergency authorization of employment is not a
valid ~~certificate license~~; it is granted to a district which,
under emergency conditions, cannot secure the services of a
~~certified licensed~~ teacher.

(3) All school psychologists must be ~~certified licensed~~
with a class 6 specialist certificate license.

(4) ~~Certified Licensed~~ teachers and ~~guidance school~~
counselors who are enrolled in board of public education
approved internship programs according to the following
provisions shall be considered appropriately assigned when
teaching or serving ~~as a guidance counselor~~ in the internship
area.

(a) Only an accredited educator preparation institution
located within the boundaries of the state of Montana shall be
eligible to operate an approved endorsement area internship
program.

(b) Only a currently licensed Montana teacher enrolled
in an approved endorsement area internship program shall be
considered appropriately assigned when teaching or serving in
the endorsement area within three years following the date of
initial enrollment.

(c) An educator preparation program shall obtain
approval of the board of public education prior to placing
interns in positions in local school districts in the state of

Montana. In order to gain approval, the program must:

(i) file an application with the board of public education;

(ii) include a model plan for preparation of interns prior to placement that shall include, at a minimum, completion of or enrollment in six semester credits of study in the endorsement field the teacher is pursuing;

(iii) appoint a faculty member responsible for ensuring compliance with all program requirements by interns enrolled in the program, which shall include, as a minimum, an on-site visit to each school district in which an intern is placed at least once during the term of the internship.

(d) All interns placed in a school district shall receive an appropriate level of periodic supervision and training by a licensed teacher who is currently endorsed in the intern's prospective endorsement area.

(5) remains the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.55.710 ASSIGNMENT OF GUIDANCE SCHOOL COUNSELING STAFF

(1) and (2) remain the same.

(3) Schools and/or districts with fewer than 125 students shall:

(a) employ or contract with a certified licensed, endorsed school guidance counselor or class 6 specialist, or they shall

(b) seek alternative ways to provide guidance counseling services and meet the required guidance school counseling program goals, using certified licensed personnel. For example, they may contract for services or receive services from a regional, certified guidance licensed school counselor or class 6 specialist provided through joint efforts of adjacent districts and/or counties.

(a) (i) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the office superintendent of public instruction and seek approval from the board of public education.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, MCA

10.57.101 REVIEW OF POLICY (1) By authority of 20-4-102, MCA, Article X of the Montana Constitution the board of public education exercises general supervision over the public school system and such other public educational institutions as may be assigned by law. By authority of 20-4-102, MCA the board of public education adopts policies for the issuance of teacher certificates licenses on the recommendations of the superintendent of public instruction.

(2) Recognizing that the periodic review of the certification policies is vital, the The board regularly will

shall consider recommendations for revision of the policies at any time it deems necessary. ~~Notwithstanding any changes made in any five year period, every five years the board shall have made a comprehensive review of certification policies to insure that such policies are meeting the needs of the state.~~

AUTH: Sec. 20-4-102 MCA

IMP: Sec. 20-4-102 MCA

10.57.102 DEFINITIONS The following definitions apply to this chapter.

(1) "Acceptable evidence" means current official and up-to-date transcripts, portfolio written statements of appropriate officials and such other data as may be deemed necessary by the board of public education and/or the superintendent of public instruction.

(2) "Accredited" refers to approval (accreditation) by a regional accreditation association the national council for the accreditation of teacher education (NCATE) and/or approval by a state board of education. ~~that is acceptable to the board of public education. Regional accreditation serves as a base for national accreditation and/or state certification. The six regional accrediting associations are: New England association of schools and colleges, Middle States association of colleges and schools, North Central association of colleges and schools, Northwest association of schools and colleges, Southern association of colleges and schools and Western association of schools and colleges. State approval of programs leading to certification may also be required.~~

(3) ~~"Approved colleges" are those regionally accredited colleges listed in a recognized directory of accredited higher education institutions.~~

(4) (5) "Appropriate area(s) endorsements" are those subject field(s) — such as English, mathematics, science, social studies, etc. — identified by the board of public education.

(5) (6) "Appropriate grade level(s)" means elementary, secondary or other levels as defined by the board of public education.

(6) remains the same but is renumbered (7).

(7) (3) ~~"Approved teacher education~~ "Accredited professional educator preparation program" means a program for teacher preparation accredited by national or regional accrediting association NCATE and/or a state board of education and/or recognized by the board of public education.

(8) "Certification" means licensure of an educator/specialist, as issued by the state of Montana, based on completion of a teacher, administrator or specialist program of an accredited college/university. Certification includes grade level(s), endorsement(s) and classification.

(8) (9) "College credit" means credit received for completion of a course from an accredited college. ~~For the purpose of certificate renewal, e~~ College credits are counted as in the following manner: 1 one quarter credit is being

equal to 10 clock hours, or 1 one semester credit is being equal to 15 clock hours. One semester credit is equivalent to one and one-half quarter credits and one quarter credit is equivalent to two-thirds semester credit.

~~(9) "Endorsement" means official indication of the level and/or the appropriate area in which the certificate holder is authorized to teach.~~

~~(10) "Elementary endorsement" of class 1, class 2 and class 5 certificate means the holder is authorized to teach in grades kindergarten through eight.~~

(11) "Endorsement" means an official indication on a license of the subject area(s) and/or specialized program area(s) for which the holder of the license is authorized to practice in Montana accredited schools.

(13) "License" or "licensure" means a certificate issued or applied for under 20-4-101, et seq., MCA.

~~(11) "Secondary level endorsement" of the class 2 certificate requires a teaching major of at least 30 semester (45 quarter) credits and a teaching minor of at least 20 semester (30 quarter) credits; or at least 40 semester (60 quarter) credits in a single field of specialization, provided these fields are subjects commonly offered for credit in the high school curriculum and provided that the pattern of preparation constitutes the approved secondary teacher education program of an accredited college or university. At least 16 semester (24 quarter) credits of professional preparation for teaching, to include student teaching, are also required. Within the total preparation, emphasis must be placed on student growth and development, behavior, reading and writing skills. The student teaching experience, if taken at grades levels 7-12, must also have an observation period at grade 5 or 6. If the student teaching experience is at grade 5 or 6, an observation period must be taken at grades 7-12.~~

~~(a) (14) "Secondary level endorsement" of the class 1, 2, or 5 certificate means the holder is authorized to teach in means the holder is authorized to teach in grades 5-12 or 7-12, depending upon teacher preparation. Secondary level endorsement is accompanied by endorsement as to the appropriate area(s) in which the holder is authorized to teach. specifically in the subject field endorsement. Those applicants who have completed a secondary level teacher preparation program shall be granted a 5-12 level license.~~

~~(b) An applicant seeking an initial administrative endorsement for the secondary grades who has teacher training at the 7-12 level will be given an option of receiving a class 3 certificate allowing practice at only the 7-12 level or a provisional class 5 certificate to complete the 5-12 deficiencies in his teaching program while serving in a 5-12 setting.~~

~~(12) "Renewal unit" means a quantitative recognition of a certificate holder's participation in activities designed to supplement, enhance, and/or upgrade their professional skills or knowledge base (see ARM 10.57.215). The activity must be:~~

~~(a) a planned and structured experience,~~

~~(b) of benefit to the certificate holder's professional development, and~~

~~(c) an exposure to a new idea or skill or an extension of an existing idea or skill.~~

~~(13) "Teacher education" means a curriculum recognizing a desirable proportion of academic and professional courses and should not be construed only as a degree in education.~~

~~(14) "Year of study" means an academic year, or the equivalent, comparable to at least 30 semester (45 quarter) hours of graduate or undergraduate credit.~~

~~(16) (17) "Year of validity" means the full year of a teaching certificate license. All certificates licenses are validated July 1 through June 30.~~

~~(16) One semester credit is equivalent to one and one-half quarter credits; one quarter credit is equivalent to two-thirds semester credit.~~

~~(17) "Teacher" means any person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of 20-1-101, MCA, and the policies of the board of public education, and who is employable by a district as a member of its instructional, supervisory or administrative staff.~~

~~(18) (16) "Year of teaching experience" means employment during a school fiscal year as a licensed member of an instructional staff. Experience will be considered on an individual basis by the appropriate official.~~

~~(19) (15) "Year of administrative experience" means employment during a school fiscal year as a licensed member of a supervisory or administrative staff.~~

~~(20) (12) A "Lapsed license" means that a certificate license is considered lapsed if:~~

~~(a) The holder has not earned the required number of renewal units during the term of the certificate license (units earned through August 31 immediately following the expiration date of a certificate license also will shall be considered for renewal); or~~

~~(b) The experience requirement has not been met; or~~

~~(c) Having completed (a) and (b), the holder has not earned the required number of renewal units during the term of the license but has not renewed the certificate license by June 30 following the year of expiration.~~

~~(21) (4) "Approved Accredited specialist program" means a program for the preparation of specialists accredited by a national or regional accrediting association or recognized by the board of public education professional accrediting body and/or approval by a state board of education or an equivalent. State approval of programs leading to this certificate may also be required. (Persons authorized to apply for the specialist certificate: school psychologists and school counselors.)~~

~~(22) "Workshop" means a concentrated presentation of a single topic for not less than 1 hour.~~

AUTH: Sec. 20-4-102 MCA

IMP: Sec. 20-4-106 MCA

10.57.104 WAIVER OF STUDENT TEACHING/SUPERVISED PRACTICE

(1) The requirement for student teaching may be waived only by an appropriate official. Persons seeking initial licensure must successfully complete a supervised teaching experience in an accredited school. Supervised teaching is student teaching under an appropriate student teaching program and/or supervised practice as a class 5 provisional license holder. The superintendent of public instruction may not waive this requirement.

AUTH: Sec. 20-4-102 MCA

IMP: Sec. 20-4-102 MCA

10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT

~~(1) Montana law (20-4-111, MCA) establishes that an emergency authorization of employment may be granted to a school district for an individual who does not hold a valid teacher certificate when such district cannot obtain the services of a certified teacher. The person for whom such an emergency authorization is sought either shall have held previously a valid teacher certificate or shall have met standards prescribed by the board of public education.~~

(2) In accordance with 20-4-111, MCA, school administrators who have exhausted all possibilities for obtaining a regularly certified licensed teacher may request that the superintendent of public instruction issue an emergency authorization of employment to the district to employ a person to teach in the emergency situation. The requirements and standards set forth below must be met to assure consideration of a request for an emergency authorization of employment:

(a) remains the same.

(b) The position must have been advertised through the teacher placement offices of the Montana job service and the Montana university system ~~or its equivalent~~ far enough in advance to reasonably enable qualified applicants to submit applications and credentials and to be interviewed.

(c) remains the same.

(i) shall have previously held a valid teacher or specialist certificate license; or

(ii) shall hold a bachelor's degree related to the area for which the emergency authorization of employment is being sought; ~~or.~~

~~(iii) shall provide acceptable evidence of American Indian cultural expertise related to the area for which the emergency authorization of employment is being sought.~~

(d) The individual for whom the emergency authorization is being sought shall not have held a valid class 5 certificate license within the year preceding the year for which emergency authorization of employment is being sought.

(3) remains the same but is renumbered (2).

~~(a) Under section (2)(c)(iii) a district administrator may apply for the renewal of an approved emergency authorization on a continuing basis by annually requesting renewal by letter to the superintendent of the office of public instruction. The copy of that request must be submitted to the appropriate county superintendent of schools.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-111, MCA

10.57.110 AREA OF PERMISSIVE SPECIALIZED COMPETENCY

(1) A holder of a Montana teaching certificate license may apply for a statement of specialized competency to appear on the certificate license. A certificate license holder may qualify for a statement of specialized competency by the completion of a minimum of 20 semester college credit hours or equivalency in a specific academic area as approved by the board of public education. Accredited areas of permissive special competency are early childhood education and gifted and talented education.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

10.57.112 CERTIFICATE LICENSE OF EXCHANGE TEACHERS

(1) A class 5 certificate license may be issued for one year to a teacher, administrator or specialist who is on an exchange program with a school district.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

10.57.201 GENERAL PROVISIONS TO ISSUE CERTIFICATE LICENSES (1) Teaching certificates Teacher, specialist, or administrator licenses are issued by the superintendent of public instruction to applicants who submit acceptable evidence of successful completion of the appropriate approved teacher education program of an accredited college or university. a professional educator preparation program accredited by NCATE and/or a state board of education.

(2) Applicants for initial licensure who meet the following qualifications to practice shall be licensed class 1, 2, 3, or 6 as appropriate:

(a) individuals who have held, within the last five years, a professional - not provisional or alternative - teacher, specialist, or administrator license from another state in an area that can be licensed in Montana. This section applies only to individuals who have completed an applicable accredited professional educator preparation program in an area that can be licensed in Montana; or

(b) individuals who have graduated within the last five years from a teacher, specialist, or administrator professional educator preparation program in an area that can be licensed in Montana that is either accredited by NCATE or a

state board of public education; or

(c) individuals who hold a current license from the national board for professional teaching standards in an area that can be licensed in Montana; or

(d) individuals who currently hold a provisional class 5 license who meet one or more of the above three qualifications.

(3) Applicants must meet all other nonacademic requirements for licensure in Montana.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

10.57.204 EXPERIENCE VERIFICATION (1) The determination of appropriate educational experience appropriate to renew any certificates will shall be made by the superintendent of public instruction.

(a) At least 100 days of substitute teaching or other instructional experience is required to constitute the equivalent of successful teaching experience in the five-year period preceding the expiration of a current Montana certificate.

(2) Persons employed in educational positions involved in instruction with agencies under the jurisdiction of the state or those who have served full-time in professional education associations may submit the experience gained in the positions to meet the verification of experience requirement for renewal of teaching or administrative certificates. Other stipulated requirements must be met.

(3) Incumbency in the office of county superintendent will be sufficient to serve as the required verification of experience for renewal of teaching or administrative certificates held by the county superintendent. Other stipulated requirements must be met.

(4) (2) When teaching experience is required for a new certificate license or endorsement, the majority of the experience required must be obtained in a school organization consistent with Montana's K-12 pattern.

(5) (3) When experience is required for a new certificate license or endorsement, experience gained prior to basic eligibility for initial certification licensure is not considered.

(6) Experience gained as a certified specialist may be considered for renewal of a teaching or administrative certificate. Experience gained as a certified teacher or administrator may not be considered for renewal of a specialist certificate.

(7) Instructional assistant experience may be considered for renewal if the following conditions are met:

(a) The individual must hold a valid Montana teaching certificate when the experience is acquired.

(b) The experience must be within the K-12 structure.

(c) It must be verified by the appropriate administrative supervisor as an instructional experience.

~~Instructional assistant experience is defined as experience utilizing the course of instruction prescribed by the trustees or administrative board under an employment agreement for a period of no less than 100 days during the 5-year period of a current Montana certificate.~~

~~(d) This experience will apply toward renewal only. It cannot be used for initial certification or another class or endorsement for which teaching experience is required.~~

~~(e) Non-instructional aide experience will not apply toward renewal.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

10.57.209 EXTENSION OF CERTIFICATE LICENSES FOR MILITARY SERVICE (1) The unexpired term of a valid teaching certificate license held by a person engaged in teaching at the time that person is called into active military service ~~will~~ shall be extended in proportion to the length of active military service. Official notification of the beginning and termination dates of active military service must be submitted on release from active duty to the superintendent of public instruction to secure such extension of certification licensure.

(2) The unexpired term of a valid teaching certificate license ~~will~~ shall be extended one year for each year of active military service not to exceed five years. In calculating the unexpired term of a certificate license for military extension purposes, an expired certificate license year ~~will~~ shall be any year in which a teacher has taught more than one-half of the school year.

(3) The extension period of the unexpired term of any certificate license becomes automatically effective on the previous July 1 of the year of termination of active military service. On expiration of this extension period, renewal requirements must be met for further certification licensure.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

10.57.215 RENEWAL REQUIREMENTS (1) Sixty units of renewal activities are required for renewal of class 2 1, 3, and 4B and for class 1 and 4A effective with those expiring in 1995. ~~Beginning with those class 2 and 4B certificates expiring in 1997, at least 40 renewal units (3 semester or 4 quarter credits) must be obtained through college credits and 7 licenses. Sixty units of renewal activities are also required for renewal of class 2 licenses, 40 of which must be earned through college credit.~~

(2) Renewal activities used to renew all certificates licenses must be:

(a) a planned and structured experience-71

(b) of benefit to the certificate license holder's professional development-71 and

(c) an exposure to a new idea or skill or an extension of an existing idea or skill~~;~~ or

(d) the instruction of a relevant higher education course~~(s)~~, based upon the academic credit of the course~~(s)~~, by a Montana certificate license holder who has achieved a graduate degree in an endorsed field of specialization~~;~~ or

(e) the completion of the assessment process for national board certification licensure, or renewal of national board certification licensure, through the standards of the national board for professional teaching standards. Verification of completion of the national board assessment will earn shall result in 60 renewal units. Renewal units earned may apply to renewal of an expiring license, ~~with excess carried over to the next validation period.~~ Class 2 certificate license holders may use national board renewal units in lieu of college course credits as required in ARM 10.57.215~~(1)~~. This process may also be used in lieu of any credits required to reinstate a lapsed license.

(3) through (3)(c) remain the same.

~~(4) The following restrictions and conditions on renewal unit activities apply:~~

~~(a) Renewal units will be available only in whole units and in amounts of 5 units or more per approved activity.~~

~~(b) The certificate license holder will shall be solely responsible for retaining the renewal unit verification to be used in the application for certificate license renewal.~~

(5) State validated professional development activities other than college/university credit earned by appropriately licensed educators from states other than Montana may be accepted for the renewal of Montana certification licenses when the intent and structure of the process assures the meeting or exceeding of Montana renewal unit requirements for certificate licensure.

(6) Renewal requirements for class 4 licenses are set forth in [NEW RULE XIV, NEW RULE XV and NEW RULE XVI].

AUTH: Sec. 20-2-121(1), 20-4-102, MCA

IMP: Sec. 20-4-102(1), 20-4-108, MCA

10.57.216 APPROVED RENEWAL ACTIVITY (1) Providers of professional development activities which verify acceptable renewal unit activities for certificate license renewal are:

(a) accredited college and university ~~academic credit~~ programs, for which no application or prior approval is required~~;~~ and

~~(b) the following entities:~~

~~(i) state accredited school systems districts, upon submission and approval of an application for status as a provider of professional development renewal unit credit~~;~~~~

~~(ii) (c) professional education organizations, to include the Montana school boards association, and government agencies (federal, state, tribal, county, city), upon submission and approval of an application for status as a provider of professional development renewal unit credit~~;~~ and~~

~~(iii) government agencies (federal, state, tribal, county, city), upon submission of an application for status as a provider of professional development renewal unit credit,~~

~~(c) (d) an individual certificate license holder not currently under contract or any organization not approved as a provider in Montana may request participation with an approved provider, or apply directly to the certification division, office superintendent of public instruction, in advance of the beginning of a program.~~

(2) Those school ~~systems~~ districts approved as providers of professional development may identify programs at locations other than their site of operation for renewal unit verification to be awarded by them. This may include out-of-state programs and conferences ~~which are appropriate for a client's professional development.~~

(3) Those entities approved by the ~~office~~ superintendent of public instruction as providers of professional development programs are those applicants who agree to maintain a process in compliance with the definition of renewal unit activities found in ARM 10.57.102 and further clarified in ARM 10.57.215 and 10.57.216.

(a) Approved providers must agree to report the activities undertaken as professional development for renewal unit awards annually to the ~~office~~ superintendent of public instruction.

(b) Approved providers must agree to submit to an audit of records ~~to verify compliance with the terms of the provider agreement. This audit, conducted by the office superintendent of public instruction, may be the result of a routine random review or in response to an inquiry. The results of all audits will be reported to the board of public education by the office of public instruction at least on an annual basis.~~ Records which must be maintained by the provider include:

(i) through (iii) remain the same.

(c) For all programs designated as professional development for the purpose of issuing renewal units to ~~certificate license holders, the provider will~~ shall prepare and issue completed renewal unit registration forms to eligible participants. This form ~~will~~ shall be provided by the ~~office~~ superintendent of public instruction and this form, or an approved facsimile, must be utilized for all renewal unit awards.

(4) Upon ~~the~~ receipt of a complete and accurate annual report of professional development activities ~~for issuing of renewal units, by the superintendent of public instruction on or before the deadline for submission, the provider status will~~ shall be continued ~~on a listing of providers.~~

~~(a) (5) This listing will be duplicated for distribution to the board of public education annually and will be available for public distribution. The superintendent of public instruction shall annually provide a report to the board of public education, which shall include, at a minimum, a list of providers.~~

(b) remains the same but is renumbered (6).

~~(5) If, upon the reporting of the results of a program audit of any provider, the board of public education finds cause to remove an entity from the provider status, the designated official representing that entity will be notified of a time and date for an open hearing to determine whether continued provider status should be maintained.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-108, MCA

10.57.217 APPEAL PROCESS FOR RENEWAL ACTIVITY (1) ~~Any appeal to the content of a renewal activity or to the process or practices used by a renewal unit provider may be submitted to the superintendent of public instruction for review and determination.~~

~~(2) Decisions of the superintendent on matters of renewal unit activity or provider status may be appealed to the board of public education.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-108, MCA

10.57.218 RENEWAL UNIT VERIFICATION (1) Applications to the office superintendent of public instruction for certificate license renewal ~~will shall~~ be accompanied by verification of meeting the professional development requirements through:

~~(a) official documentation (transcripts or grade reports) from an accredited college or university, or verification of renewal units.~~

~~(b) a summary document, provided by the office of public instruction, itemizing the required number of renewal units for which the applicant submits copies of completed renewal unit registration forms.~~

~~(2) Certificate holders not currently under contract in Montana may use an approved provider of renewal unit activities or apply directly to the certification division, office of public instruction, for professional development content other than credit from an accredited college or university.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-108, MCA

10.57.220 RECENCY OF CREDIT (1) An applicant for initial class 1, 2, 3 or 6 licensure certification ~~who holds current out-of-state certification and has a minimum of only year (at least 9 consecutive months) of appropriately certified teaching, administrative, or specialist experience during the 5-year period immediately preceding the validation date of the new certificate, and who has documented evidence of meeting the equivalent of Montana's 60 renewal unit requirement for renewal (state, school or district verified inservice hours or academic credit) during the same time~~

period, will have met the recency of credit requirement.

~~(2) An applicant for initial certification whose degree is more than 5 five but less than 15 years old or an applicant whose period of lapse is 15 years or less, and who does not have current out-of-state licensure certification and recent appropriate experience as outlined in (1), must have the following credits earned eight semester credits within the 5 five-year period preceding the effective date of the certificate license:~~

- ~~(a) Class 1 professional certificate :
8 semester (12 quarter) credits;~~
- ~~(b) Class 2 standard certificate :
8 semester (12 quarter) credits;~~
- ~~(c) Class 3 administrative certificate :
8 semester (12 quarter) credits;~~
- ~~(d) Class 6 specialist certificate :
8 graduate semester (12 quarter) credits.~~

~~(3) An applicant for initial certification whose degree is over 15 years old or an applicant whose period of lapse is over 15 years, and who does not have current out-of-state certification and recent appropriate experience as outlined in (1), must obtain the credits listed in (2) and the following credits based on teaching or specialist experience:~~

- ~~(a) No teaching/specialist or +4 additional sem
equivalent experience since the (6 qtr) credits
original training (graduate level
for specialists)~~
- ~~(b) 1-4 years teaching/specialist +3 additional sem
or equivalent experience (4 qtr) credits
(graduate level
for specialists)~~
- ~~(c) 5-10 years teaching/ +2 additional sem
specialist or equivalent (2 qtr) credits
experience (graduate level
for specialists)~~
- ~~(d) over 10 years teaching/ +0 additional sem
specialist or equivalent (0 qtr) credits
experience (graduate level for
specialists)~~

~~(4) Applicants may utilize the provisional certificate to earn the recent credits if all other academic requirements are met.~~

~~(5) Credits for recency or reinstatement of any certificate must supplement, strengthen and/or update the basic preparation.~~

~~(6) Applicants with graduate degrees in an endorsable field of specialization may use experience instructing in relevant higher education courses for recency in applying for certification.~~

AUTH: Sec. 20-4-102, 20-4-103, MCA

IMP: Sec. 20-4-102, 20-4-103, 20-4-106, MCA

10.57.301 ENDORSEMENT INFORMATION (1) ~~Board of public~~

~~education approval:~~ The only endorsements on Montana teaching, administrative or specialist certificates licenses are those approved by the board of public education. A major or a minor or the equivalent in the endorsement area is required.

(2) Certificates Licenses are endorsed by the superintendent of public instruction for the appropriate level(s) and area(s) of preparation based on the college program completed.

(3) Appropriate teaching areas acceptable for certificate license endorsement include: agriculture, art K-12, biology, business education, career and vocational/technical education endorsements as determined by the superintendent of public instruction, chemistry, computer science K-12, drama, earth science, economics, elementary education, English, English as a second language K-12, family and consumer sciences, French K-12, geography, German K-12, ~~guidance and school~~ counseling K-12, health, history, history-political science, industrial arts, journalism, Latin K-12, library K-12, marketing, mathematics, music K-12, other language K-12, physical education and health K-12, physical science, physics, political science, psychology, reading K-12, Russian K-12, science (broadfield), social studies (broadfield), sociology, Spanish K-12, special education P-12, speech-communication, speech-drama, technology education, trade and industry, and traffic education K-12.

(4) Appropriate career and vocational/technical education areas acceptable for endorsement on the class 4 license include but are not limited to: auto body, auto mechanics, building trades/construction, drafting/CAD, electronics, graphic arts, machine shop, metal working, power mechanics, welding, computer network administration, and health occupations.

~~(4)~~ (5) Appropriate administrative areas acceptable for certificate license endorsement include: elementary principal, secondary principal, K-12 principal, K-12 superintendent and supervisor.

~~(5)~~ (6) Appropriate specialist areas acceptable for certificate license endorsement are school psychologist and school counselor.

~~(6)~~ (7) Both elementary and secondary ~~training to include preparation, including student teaching or appropriate waiver~~ are university supervised teaching experience are required for endorsement in any approved K-12 endorsement area. ~~Where a state approved program of at least a minor (minimum of 20 semester credits) at the elementary or secondary level is presented for endorsement in a K-12 endorsement area, an endorsement at the level of preparation may be issued which limits the appropriate assignment to the level of preparation.~~ The K-12 endorsement areas outlined in (3) may also be endorsed at the elementary or secondary level depending on the verified level of preparation.

(a) A class 1 or 2 certificate license may be endorsed in special education P-12 with program preparation at the

elementary or secondary levels, or a balanced K-12 program of comparable preparation.

(b) The balanced K-12 certificate license level option is available through Montana board of public education-approved special education programs for those individuals with:

(i) remains the same.

(ii) verified completion of an out-of-state state-approved special education program which includes student teaching or university supervised teaching experience.

(c) completion of an accredited professional educator preparation program in any disability area shall result in a special education endorsement.

~~(7) The guidance and counseling endorsement requires verification of 3 years of appropriately certified teaching or counseling experience in addition to completion of a college approved guidance K-12 major or minor.~~

(8) Applicants with graduate degrees in an endorsable field of specialization may use experience in instructing in relevant higher education courses as credit in that endorsement area for certification licensure.

~~(9) Broadfield endorsements identified in (3), above, must constitute programs of at least 40 semester (60 quarter) credits and have at least 3 teaching areas within that field which have at least 10 semester credits of preparation specific to that area.~~

~~(10)~~ An endorsement may be dropped from a teaching certificate license at the end of the valid term of the certification license if minimum certification licensure requirements (major and minor or extended major) are met without that endorsement.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, 20-4-106, MCA

10.57.501 SOCIAL WORKERS, NURSES AND SPEECH AND HEARING THERAPISTS (1) Professionals such as social workers, nurses and speech and hearing therapists who are teaching in a classroom must have a teaching certificate license appropriate for the level(s) and area(s) taught.

(2) Speech and hearing therapists engaged in school services in the public schools of Montana who issued grades or credits in the pupil's school program must be certified licensed under the regularly established teacher certification licensure requirements in speech and hearing association. For related school services which do not involve credits or promotion, the superintendent of public instruction ~~will~~ shall recognize speech and hearing therapists licensed by the American speech and hearing association on the basis ~~or of~~ of professional association standards on file ~~in~~ with the ~~office of the~~ superintendent of public instruction.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

10.57.601 REQUEST TO SUSPEND OR REVOKE FOR DISCIPLINE
AGAINST THE CERTIFICATE LICENSE OF A TEACHER, SPECIALIST, OR
ADMINISTRATOR CERTIFICATE: PRELIMINARY ACTION

(1) Pursuant to 20-4-110(2), MCA, ~~Requests to issue a letter of reprimand or to suspend or revoke a teacher, specialist or administrator certificate license shall be brought before the board of public education by only:~~

(a) ~~Aan official action of the board of trustees of a local district for any teacher, specialist or administrator currently employed by that district or under contract or otherwise employed by that district at any time during the twelve 12 months prior to the receipt of by the board of public education of the suspension or revocation request to issue a letter of reprimand or to suspend or revoke; or~~

(b) ~~the superintendent of public instruction.~~

(2) Requests shall specify whether a letter of reprimand, revocation or suspension is sought and shall include:

(a) ~~the specific charge(s) against the teacher, specialist or administrator;~~

(b) ~~the subsection of 20-4-110, MCA, under which the charge(s) are is brought;~~

(c) ~~Aan outline of the facts and evidence related to the charge(s);~~ and

(d) A a copy of the minutes documenting the trustees' decision to request a letter of reprimand or revocation or suspension of a license, if the request is made by a board of trustees.

~~(3) Upon receipt of such request, the board of public education shall implement an investigation to determine whether or not a substantial reason exists to hold a hearing for suspension or revocation of the teacher, specialist or administrator certificate. This investigation shall include notifying the affected teacher, specialist or administrator of the charges against him/her by certified mail and allowing him/her ten days to respond to those charges. After receiving a response, the board may request further information from either party to ensure the preliminary investigation properly reflects the facts and position of each party.~~

~~(4) Immoral conduct related to the teaching profession, under 20-4-110(1)(f), MCA, means:~~

~~(a) Sexual contact, as defined in 45-2-101(60), MCA, or sexual intercourse as defined in 45-2-101(61), MCA, between a teacher, specialist or administrator and a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;~~

~~(b) Conduct, whether resulting in the filing of criminal charges or not, which would constitute an offense under any of the following statutes of this state;~~

~~(i) 45-5-502, MCA (sexual assault);~~

~~(ii) 45-5-503, MCA (sexual intercourse without consent);~~

~~(iii) 45-5-504, MCA (indecent exposure);~~

~~(iv) 45-5-505, MCA (deviate sexual conduct), if the conduct either was non-consensual or involved a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;~~

~~(v) 45-5-507, MCA, (incest);~~

~~(vi) 45-5-601, 45-5-602, or 45-5-603, MCA, (offenses involving prostitution);~~

~~(vii) 45-5-622(2), MCA, (endangering the welfare of children);~~

~~(viii) 45-5-623, MCA, (unlawful transactions with children);~~

~~(ix) 45-5-625, MCA, (sexual abuse of children);~~

~~(x) 45-8-201, MCA, (obscenity);~~

~~(xi) 45-8-202, MCA, (public display of offensive material);~~

~~(xii) Any statute in Title 45, chapter 9, part 1, MCA (dangerous drugs), provided that a first offense under 45-9-102(2), MCA, shall not fall within this definition;~~

~~(c) Repeated convictions for violations of any one or more of the criminal laws of this state, which violations are not otherwise grounds for suspension or revocation, if the repeated convictions, taken together, demonstrate that the teacher, specialist or administrator is unwilling to conform his/her conduct to the requirements of law.~~

~~(d) Occurrences related to ARM 24.9.1003(9), (sexual harassment), defined as "unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature" when:~~

~~(i) submission to the conduct is explicitly or implicitly made a term or condition of education,~~

~~(ii) submission to or rejection of the conduct is used as the basis for an educational decision affecting the individual, and/or~~

~~(iii) the conduct has the purpose or effect of unreasonably interfering with school performance or creating an intimidating, hostile or offensive learning environment.~~

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

10.57.602 NOTICE AND OPPORTUNITY FOR HEARING UPON DETERMINATION THAT SUBSTANTIAL REASON EXISTS TO HOLD A HEARING TO SUSPEND OR REVOKE TEACHER, SPECIALIST OR ADMINISTRATOR CERTIFICATE

(1) On the basis of the preliminary investigation conducted pursuant to [NEW RULE XXIX], the board of public education shall determine whether or not a substantial reason exists to hold a hearing to issue a letter of reprimand or to suspend or revoke the teacher, specialist or administrator certificate license.

(a) If the board determines that no substantial reason exists to hold such a hearing to suspend or revoke the teacher, specialist or administrator certificate, the matter is ended.

(b) If the board determines that there is substantial reason to hold such a hearing to suspend or revoke the teacher, specialist or administrator certificate, the board shall provide notice of the pending action to the teacher, specialist or administrator, by certified mail not less than 30 days prior to the date of the hearing of the pending action to the teacher, specialist or administrator. Such notice shall include:

(i) through (c) remain the same.

(d) The board shall enclose with the notice an election form on which the teacher, specialist or administrator shall be asked to indicate whether he/she intends to appear at the hearing and contest the board's proposed action, contest the board's proposed action without appearing at the hearing, or accept the proposed letter of reprimand, suspension or revocation without contesting it. The notice shall require the teacher, specialist or administrator to return the election form within ~~twenty~~ (20) days of the date on which the notice was mailed, and shall inform the teacher, specialist or administrator that failure to return the form in a timely manner ~~will~~ shall result in a letter of reprimand or the suspension or revocation of the certificate license by default.

(e) If the teacher, specialist or administrator does not return the completed election form within 20 days or elects to accept the proposed letter, suspension or revocation without contesting it, the board, at its next meeting, shall suspend or revoke the teacher, specialist or administrator ~~certificate~~ at its next meeting license or shall direct the chair to issue a letter of reprimand.

(f) If the teacher, specialist or administrator elects to contest the proposed letter, suspension or revocation and complies with ~~subsection (1)(d) of this rule~~, the board shall conduct a hearing.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

10.57.603 HEARING IN CONTESTED CASES (1) and (1)(a) remain the same.

(b) a hearing before a committee of the board that member(s) who will shall report to the board proposed findings of fact, proposed conclusions of law and a proposed order; or

(c) a hearing before a hearing examiner appointed by the board of public education who ~~will~~ shall report to the board proposed findings of fact, proposed conclusions of law and a proposed order.

(2) At the time and place set in the notice to the teacher, specialist or administrator, the chairperson of the board of public education, the designated committee, ~~or designated board member(s)~~ or an appointed hearing examiner shall conduct the hearing in accordance with Rules 9 through 21 of the attorney general's model rules for hearing contested cases, as found in the Administrative Rules of Montana.

AUTH: Sec. 20-4-102, MCA
IMP: Sec. 20-4-110, MCA

10.57.604 AFTER POST HEARING PROCEDURE BY MEMBER OF THE BOARD/HEARING EXAMINER/BOARD OF PUBLIC EDUCATION (1) After the hearing by the board of public education, the board shall, as provided herein:

(a) adopts findings of fact, conclusion of law and an order either issuing a letter of reprimand or suspending or revoking the teacher, specialist or administrator certificate license; or not suspending or revoking the teacher, specialist or administrator certificate

(b) dismiss the request for letter of reprimand, revocation or suspension.

(2) The board shall enter its decision on its minutes and shall serve a copy by certified mail on the party adversely affected teacher, specialist or administrator and on any other involved party.

(a) When a certificate is suspended or revoked, the superintendent of public instruction shall notify the national educator clearinghouse that formal action has been taken regarding the certificate held by the teacher, specialist or administrator.

(b) The contents of that record shall be available for review by the certifying authority from other jurisdictions in which the teacher, specialist or administrator seeks certification.

AUTH: Sec. 20-2-121, 20-4-102, MCA
IMP: Sec. 20-4-102, 20-4-110, MCA

10.57.605 SURRENDER OF A TEACHER, SPECIALIST OR ADMINISTRATOR CERTIFICATE LICENSE (1) A teacher, specialist or administrator may surrender that certificate his/her license to the superintendent of public instruction. The superintendent of public instruction, upon review, may accept or reject the certificate license surrender.

(2) Surrender of a certificate license to the superintendent of public instruction does not relieve the reporting requirements set forth in 20-4-110(3)(a), MCA.

(3) Upon receipt of a surrendered certificate, the superintendent of public instruction shall notify NASDTEC's educator identification clearinghouse that there has been a surrender of the certificate held by the teacher, specialist or administrator.

(4) (3) The superintendent of public instruction may investigate further following a the surrender of a teacher, specialist or administrator's license and shall maintain a record of the circumstances surrounding the surrender of any certificate license. The contents of that record shall be available for review by the certifying licensing authority from any other jurisdiction in which the teacher, specialist or administrator seeks certification licensure.

~~(5)~~ (4) Surrender of a certificate license may prejudice the ability of teacher, specialist or administrator to successfully seek recertification relicensure in Montana in the same or any other educational endorsement.

~~(6)~~ (5) The superintendent of public instruction shall provide notice to the board of public education of each surrender of a certificate license and of the circumstances surrounding the surrender.

AUTH: Sec. 20-4-114, MCA

IMP: Sec. 20-2-121, MCA

6. The rules proposed to be amended and transferred to Title 10, Chapter 57, Sub-chapter 6 provide as follows, stricken matter interlined, new matter underlined:

10.57.701 APPEAL FROM DENIAL OF A TEACHER, SPECIALIST OR ADMINISTRATOR CERTIFICATE LICENSE (1) Appeal from the decision of the superintendent of public instruction to deny issuance or renewal of a teacher, specialist or administrator certificate license shall be brought before the board of public education by written request from the applicant to the board received within 30 days of the notice to deny.

(2) remains the same.

(a) summarizes the appellant's responses to the superintendent's denial of a certificate licensure;

(b) and (c) remain the same.

~~(3) Upon receipt of an appeal from the decision of the superintendent of public instruction to deny an initial educator certificate, or reinstatement or renewal of certification, the reporting of the denial "for cause" to the national educator identification clearinghouse shall be in pending status until the board of public education takes action on the appeal. Should the appeal be upheld and the decision of the superintendent be overturned, no report shall be submitted on the action appealed.~~

AUTH: Sec. 20-2-121, 20-4-102, MCA

IMP: Sec. 20-4-102, 20-4-110, MCA

10.57.702 CONSIDERATIONS GOVERNING ACCEPTANCE OF APPEAL IN CASES ARISING UNDER 20-4-104(1)(c), MCA (1) The board of public education ~~will~~ shall not consider an appeal from a denial by the superintendent of public instruction based on 20-4-104(1)(c), MCA, if the appellant has made an appeal to the board from the denial of a teacher, specialist or administrator certificate license within 3 ~~three~~ years prior to the application which is at issue, ~~which and that~~ and that appeal was denied by the board following a hearing, unless the appellant can show substantial changes in circumstances relating to his/her the appellant's eligibility for a certificate license.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-110, MCA

10.57.703 HEARING ON APPEAL (1) remains the same.

(2) On appeal the burden is on the appellant to establish by a preponderance of the evidence that ~~he/she~~ the appellant satisfies the statutory criteria for issuance of a teacher, specialist or administrator ~~certificate~~ license.

(3) In cases in which the superintendent of public instruction has denied issuance or renewal of a teacher, specialist or administrator ~~certificate~~ license under 20-4-104(1)(c), MCA, the board of public education may require the appellant to undergo ~~at his/her expense~~ a mental or physical examination by a physician or health professional designated by the board. In cases in which the superintendent of public instruction has denied issuance of a new license, the examination shall be at the appellant's expense. In cases in which the superintendent of public instruction has denied issuance of a renewal license, the examination shall be at the superintendent of public instruction's expense. The report of examination shall be admissible evidence in the appeal proceedings before the board, subject to the appellant's right to cross-examine the maker of the report.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

7. The Board of Public Education proposes to transfer 10.57.407 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST to ARM 10.57.434 and 10.57.801 SUBSTANTIAL AND MATERIAL NON-PERFORMANCE to ARM 10.57.611.

8. 10.57.103 GRADES which can be found on page 10-829.1 of the Administrative Rules of Montana, is proposed to be repealed because of the increased reliance on teacher preparation programs to establish criteria to determine satisfactory program completion.

AUTH: Sec. 20-4-102 MCA

IMP: Sec. 20-4-102 MCA

9. 10.57.106 LIFE CERTIFICATES which can be found on page 10-829.1 of the Administrative Rules of Montana, is proposed to be repealed because no life certificates remain in force.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-203, MCA

10. 10.57.108 SUBSTITUTE TEACHING which can be found on pages 10-830 and 10-831 of the Administrative Rules of Montana, is proposed to be repealed because it is being replaced with NEW RULE II.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

11. 10.57.202 APPROVED PROGRAMS which can be found on page 10-834 of the Administrative Rules of Montana, is proposed to be repealed because approved programs have been defined in ARM 10.57.102 and 10.57.201 to include only those programs accredited by NCATE and/or a state board of education.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

12. 10.57.203 TRAINING EVALUATION which can be found on page 10-834 of the Administrative Rules of Montana, is proposed to be repealed because of the increased reliance on teacher preparation programs to perform transcript analysis to determine program completion and licensure endorsements.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

13. 10.57.211A EDUCATOR RECRUITMENT which can be found on page 10-837 of the Administrative Rules of Montana, is proposed to be repealed because the content of this rule is incorporated in ARM 10.57.201.

AUTH: Sec. 20-2-121, MCA

IMP: Sec. 20-4-102, MCA

14. 10.57.213 REPORTING OF DENIAL OF INITIAL CERTIFICATION, OF REINSTATEMENT OR OF RENEWAL OF CERTIFICATION which can be found on page 10-838 of the Administrative Rules of Montana is proposed to be repealed because the content of this rule is contained in NEW RULE XXXI.

AUTH: Sec. 20-2-121, MCA

IMP: Sec. 20-4-102, MCA

15. 10.57.219 CONVERSION FROM RENEWAL CREDITS TO RENEWAL UNITS which can be found on page 10-838.5 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule are no longer applicable due to the passage of time.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-108, MCA

16. 10.57.302 COMPUTER ENDORSEMENT REVIEW COMMITTEE which can be found on pages 10-839.2 and 10-839.3 of the Administrative Rules of Montana, is proposed to be repealed because the same terminated on September 1, 1996 pursuant to (9) of the rule.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

17. 10.57.401 CLASS 1 PROFESSIONAL TEACHER CERTIFICATE which can be found on pages 10-839.9 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are set forth in NEW RULE IV and NEW RULE V.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

18. 10.57.402 CLASS 2 STANDARD TEACHING CERTIFICATE which can be found on pages 10-840 and 10-840.1 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are set forth in NEW RULE III and NEW RULE V.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

19. 10.57.403 CLASS 3 ADMINISTRATIVE CERTIFICATE which can be found on pages 10-840.1 through 10-840.4 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are set forth in NEW RULE VI, NEW RULE VII, NEW RULE VIII, NEW RULE IX, NEW RULE X, NEW RULE XI and NEW RULE XII.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

20. 10.57.404 CLASS 4 VOCATIONAL CERTIFICATE which can be found on pages 10-840.4 through 10-842 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are set forth in NEW RULE XIII, NEW RULE XIV, NEW RULE XV and NEW RULE XVI.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

21. 10.57.405 CLASS 5 PROVISIONAL CERTIFICATE which can be found on pages 10-843 through 10-845 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are set forth in NEW RULE XVII, NEW RULE XVIII, NEW RULE XIX, NEW RULE X, NEW RULE XXI, NEW RULE XXII, NEW RULE XXIII, NEW RULE XXIV and NEW RULE XXV.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

22. 10.57.406 CLASS 6 SPECIALIST CERTIFICATE which can be found on pages 10-845 through 10-845.2 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule have been modified and are

set forth in NEW RULE XXVI, NEW RULE XXVII and NEW RULE XXVIII.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

23. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on October 24, 2002.

24. Steve Meloy has been designated to preside over and conduct the hearing.

25. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding Board of Public Education rulemaking actions. Such written request may be mailed or delivered to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at 444-0847 or may be made by completing a request form at any rules hearing held by the Board of Public Education.

26. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller
Dr. Kirk Miller, Chairman
Board of Public Education

/s/ Steve Meloy
Steve Meloy
Rule Reviewer

Certified to the Secretary of State September 16, 2002.